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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,842	12/07/2005	Udo Simon	P70949US0	1946

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JACOBSON HOLMAN PLLC  
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WASHINGTON, DC 20004

EXAMINER
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KUMAR, RAKESH

ART UNIT	PAPER NUMBER
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3651

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01/14/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/559,842	Applicant(s) SIMON ET AL.	
	Examiner RAKESH KUMAR	Art Unit 3651	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 19-24 is/are rejected.
- 7) ☒ Claim(s) 5-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon (US 7,198,173) in view of Hafner (WO 02/083057 A1).

Referring to claims 1 and 21-24. Simon discloses a blister pack system (Figure 3) comprising:

an upper part (3; Figure 2) having ejection openings (6) and a bottom part having ejection openings (12), between which a blister pack (1) having pouches is disposed, the pouches being aligned with corresponding ejection openings of the upper part and corresponding ejection openings of the bottom part (see Figure 5b), with every ejection opening of the upper part being associated with an individual contact surface (9) that is connected to a control/computing unit (25) via an individual strip conductor (8); and

an ejection device (48) including a peg section (16) that is movable in a guide slot (7) and a top section having a pusher section (19) that is insertable into the ejection opening (6) of the upper part (3) that is associated with the pouch for removing an item therefrom, with a common contact surface (10') that is connectable via a common strip conductor (17) to the control/computing unit (25), the common contact surface (10') being associated with the guide slot (7),

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the individual contact surfaces (9) and the individual strip conductors (8) associated therewith on one side of the upper part (located on one side of the upper section) and the common contact surface (10') and the common strip conductor (17) associated therewith.

Simon does not specifically disclose an ejection device including a first and second electrical contact elements being electrically connected.

Hafner discloses a blister pack system (Figure 1) comprising a the ejection device (5) including a first electrical contact element (33) at the top section (see Figure 3) and a second electrical contact element (36) at the peg section (lower portion of member 5), with the second electrical contact element (36) being electrically connected to the first electrical contact element (33).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Simon to include a ejection device comprising a first and a second contact elements wherein the first and second contact elements are electrically connected as taught by Hafner because a multiple set of contact point on the apparatus can be in contact with a common strip conductor thus reducing the number of wiring conductor strips needed.

Referring to claim 2. Simon in view of Hafner disclose all claimed limitations of claim 2 however they do not specifically disclose the strip conductors covered by an electrically insulating layer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Simon in view of Hafner to include

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electrically insulating layer partially covering portions of the individual strip conductors and the common strip conductor because it would prevent corrosion of the electrical strip conductors thus extending the life of the dispenser.

Referring to claims 3 and 4. Simon discloses the dispenser comprises a receiving region (44 Figure 17a) for a housing of the control/computing unit (25) and an interface arranged therein to individual contact points (37) of the individually contact surfaces and to a common contact point (48) of the common contact surface.

Referring to claims 19 and 20. Simon discloses a dispenser comprises individual contact surfaces (10') have the form of the elements that annularly surround the ejection openings (Figure 9).

### ***Allowable Subject Matter***

Claims 5-18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAKESH KUMAR whose telephone number is (571) 272-8314. The examiner can normally be reached on M-F 8 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RAKESH KUMAR/  
Examiner, Art Unit 3651

/Gene Crawford/

Supervisory Patent Examiner, Art Unit 3651